

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

---

HF 2527 – Internet Predators (LSB 6573 HZ)

Analyst: Beth Lenstra (Phone: (515) 281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us))

Fiscal Note Version – New

Requested by Representative Deborah Berry

---

**Description**

House File 2527 creates a new crime of indecent exposure by electronic transmission of an image and provides a graduated system of penalties (either an aggravated or serious misdemeanor) depending on the circumstances of the offense. The Bill specifies that the new crime is not a sexually violent offense for the purpose of commitment under Chapter 229A, Code of Iowa. The Bill redefines sexual abuse in the second degree to be committing a sex act with a person less than 13 years of age, and redefines sexual abuse in the third degree to be committing a sex act with a person at least 13 years of age.

**Background**

- Enhancing penalties increases the average length of stay in prison and the incarceration rate (number of offenders sentence to prison). The prison incarceration rate for sex offenders is 51.5% for Class D felons, 74.2% for Class C felons, and 90.4% for Class B felons.
- There were 50 convictions for indecent exposure during FY 2006 and 61 convictions in FY 2007. This Bill creates an additional charge of indecent exposure by electronic transmission of an image. There is no comparable Iowa law for purposes of estimating the number of convictions. It is likely the number of convictions will increase, especially since the Bill does not permit deferred judgments or deferred sentences for aggravated misdemeanor convictions.
- Offenders convicted of indecent exposure by electronic transmission of an image will be sentenced to either an aggravated or serious misdemeanor. These offenders will also be subject to the requirements of the Sex Offender Registry, supervision and treatment in Community-Based Corrections (CBC), and electronic monitoring. These offenders are also subject to the special sentence under Section 903B.2, Code of Iowa. This is a 10-year sentence that starts after serving the penalty for the aggravated or serious misdemeanor.
- Offenders convicted of sexual abuse in the second degree are sentenced to a Class B felony (25 years) and are required to serve at least 70.0% of the sentence in prison before being considered for parole. The average length of stay in prison is 233.0 months (19.4 years). These offenders are also subject to the special sentence of life time supervision under Section 903B.1, Code of Iowa. These offenders are also subject to the requirements of the Sex Offender Registry, supervision and treatment in Community-Based Corrections (CBC), and electronic monitoring if they are released from prison. It is likely offenders serving a sentence for this B felony will die in prison.
- There were 336 charges for sexual abuse in the second degree in FY 2007. There were 151 convictions resulting from these charges. Of the 151 convictions, 42 were convictions as originally charged. The 42 convictions resulted in 27 offenders convicted of sexual abuse in the second degree in FY 2007. Several offenders were convicted of multiple charges.
- Offenders convicted of sexual abuse in the third degree are sentenced to a Class C felony (10 years). The average length of stay in prison is 56.8 months (4.73 years). These offenders are also subject to the special sentence of life time supervision under Section 903B.1, Code of Iowa. These offenders are also subject to the requirements of the Sex

Offender Registry, supervision and treatment in Community-Based Corrections (CBC), and electronic monitoring.

- There were 562 charges for sexual abuse in the third degree in FY 2007. There were 155 convictions resulting from these charges. Of the 155 convictions, 108 were convictions as originally charged. The 108 convictions resulted in 113 offenders convicted of sexual abuse in the third degree in FY 2007. Several offenders were convicted of multiple charges. Some of these offenders were originally charged with sexual abuse in the second degree and were convicted of sexual abuse in the third degree (plea bargaining).

### **Assumptions**

- Under current law, the victim of sexual abuse in the second degree is required to be under the age of 12. Raising the age of the victim to 13 years old increases the likelihood that there will be more victims of sexual abuse in the second degree and more offenders convicted of the Class B felony offense. Offenders currently convicted of the Class C felony will be convicted of the Class B felony under the Bill.
- The Department of Human Services (DHS) maintains a database of child abuse intake and assessment. Programming costs of \$6,000 will be incurred under HF 2527. Approximately 52.0% of the cost will be reimbursed by the federal government.

### **Correctional Impact**

The correctional impact of the new crime cannot be estimated because there is no data available. It is likely the number of convictions will increase. Any increase in convictions will have a correctional impact as a result of the long length of stay under correctional supervision, as these offenders are subject to the provisions of the special sentence of an additional 10 years under correctional supervision.

The correctional impact of increasing the age of the victim to 13 for sexual abuse in the second degree could be significant resulting from the significant difference in the length of stay in the prison system. The average length of stay is 19.4 years for the Class B felony conviction and 4.73 years for the Class C felony conviction. Offenders convicted of a Class B felony (sexual abuse in the second degree) or Class C felony (sexual abuse in the third degree) are subject to the special sentence of lifetime correctional supervision after release from prison.

### **Fiscal Impact**

The fiscal impact for indecent exposure by electronic transmission of an image cannot be estimated. However, the average State costs for one aggravated misdemeanor conviction for a sexual abuse offense with a minor victim ranges from \$16,000 to \$32,000. The average State costs for one serious misdemeanor conviction for a sexual abuse offense ranges from \$8,000 to \$23,000. The costs will be incurred across multiple fiscal years for correctional supervision. These amounts do not include additional costs related to sex offender treatment or the Sex Offender Registry. The range of costs is a function of the amount of time the offender is required to be under correctional supervision and wear a GPS monitoring device.

The cost difference between a conviction for a Class B felony sexual abuse offense with a minor and a Class C felony sexual abuse offense with a minor is approximately \$94,000 per offender. The cost increase is primarily a function of length of time served in prison.

The Department of Human Services will incur estimated one-time costs of an additional \$2,900 from the General Fund in FY 2009 for programming databases.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Department of Human Services  
Office of the State Public Defender  
Judicial Branch

/s/ Holly M. Lyons

---

March 18, 2008

---

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

---